

Electronically Filed on December 4, 2006

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10 Attorneys for SPCP Group, LLC
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12 UNITED STATES BANKRUPTCY COURT
13 DISTRICT OF NEVADA

14 In re:
15 USA COMMERCIAL MORTGAGE COMPANY,
16 Debtor,

Jointly Administered Under
Case No. BK-S-06-10725 LBR

Chapter 11

17 In re:
18 USA CAPITAL REALTY ADVISORS, LLC,
19 Debtor,

**NOTICE OF ENTRY OF ORDER
SHORTENING TIME FOR HEARING
ON EMERGENCY MOTION OF SPCP
GROUP, LLC, TO COMPEL
COMPLIANCE WITH BID
PROCEDURES ORDER, DISCLOSURE
OF COMPETING BIDS, EXPEDITED
DISCOVERY and EXPEDITED
HEARING**

20 In re:
21 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
22 Debtor,

23 In re:
24 USA CAPITAL FIRST TRUST DEED FUND, LLC,
Debtor,

Hearing Date: December 6, 2006

Hearing Time: 8:30 a.m.

Est. Time: 30 minutes

In re:

USA SECURITIES, LLC,

Debtor.

Affects:

- ☐ All Debtors
- ☐ USA Commercial Mortgage Company
- ☐ USA Securities, LLC
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC

PLEASE TAKE NOTICE that an ORDER SHORTENING TIME FOR HEARING ON EMERGENCY MOTION OF SPCP GROPU, LLC, TO COMPEL COMPLIANCE WITH BID PROCEDURES ORDER, DISCLOSURE OF COMPETING BIDS, EXPEDITED DISCOVERY and EXPEDITED HEARING was entered on the 4th day of December, 2006.

A copy of said Order is attached hereto as Exhibit "A" and a copy of the Motion for Order Shortening Time for Hearing on Motion of SPCP Group, LLC, to Compel Compliance With Bid Procedures Order, Disclosure of Competing Bids, Expedited Discovery and Expedited Hearing is attached hereto as Exhibit "B".

DATED this 4th day of December, 2006.

KUMMER KAEMPFER BONNER
RENSHAW & FERRARIO

By: 

Amy N. Tirre, Esq.
5585 Kietzke Lane
Reno, NV 89511

Attorneys for SPCP Group, LLC

CERTIFICATE OF MAILING

Pursuant to FRBP 7005 and FRCP 5(b), I certify that I am an employee of Kummer Kaempfer Bonner Renshaw & Ferrario; that I am over the age of 18 and not a party to the above-referenced case, and that on this date I caused to be served a true and correct copy of the *NOTICE OF ENTRY OF ORDER* as indicated:

 X **BY NOTICE OF ELECTRONIC FILING:** through Electronic Case Filing System of the United States Bankruptcy Court, District of Nevada, to the individuals and/or entities at their email addresses as set forth below.

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24 **BY HAND DELIVERY VIA COURIER:** by causing hand delivery of the document listed above via Reno Carson Messenger Service to the persons at the addresses set forth below:

X

BY MAIL: by placing the document listed above in a sealed envelope with postage thereon fully prepaid in the United States Mail at Reno, Nevada, and addressed as set forth below. I am readily familiar with my office's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business.

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9 POST OFFICE BOX 1367

10 DATED this 4th day of December, 2006.

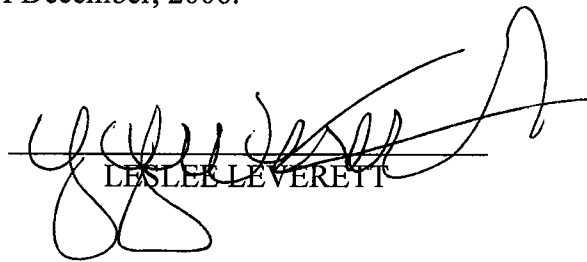
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EXHIBIT A



Entered on Docket
December 04, 2006

A handwritten signature in black ink, appearing to read "Mike K. Nakagawa".

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT

DISTRICT OF NEVADA

In re:
USA COMMERCIAL MORTGAGE COMPANY,

Debtor,

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

In re:
USA CAPITAL REALTY ADVISORS, LLC,

Debtor,

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

In re:
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,

Debtor,

**ORDER SHORTENING TIME FOR
HEARING ON EMERGENCY MOTION
OF SPCP GROUP, LLC, TO COMPEL
COMPLIANCE WITH BID PROCEDURES
ORDER, DISCLOSURE OF COMPETING
BIDS, EXPEDITED DISCOVERY, AND
EXPEDITED HEARING**

In re:
USA CAPITAL FIRST TRUST DEED FUND, LLC,

Debtor,

Date: December 6, 2006
Time 8:30 AM

In re:
USA SECURITIES, LLC,

Debtor.

Affects:
☒ All Debtors
☐ USA Commercial Mortgage Company
☐ USA Securities, LLC
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC

1 SPCP GROUP, LLC ("Silver Point") by and through its counsel, James C. McCarroll,
2 Esq., of Reed Smith, LLP and Amy N. Tirre, Esq. of Kummer Kaempfer Bonner Renshaw &
3 Ferrario, having moved this Court ex parte for an order shortening time for the hearing on its
4 Emergency Motion to Compel Compliance with Bid Procedures Order, Disclosure of Competing
5 Bids, Expedited Discovery and Expedited Hearing and good cause appearing,

6 IT IS HEREBY ORDERED that:

7 1. Silver Point's Motion for Order Shortening Time is GRANTED and Silver
8 Point's Emergency Motion to Compel Compliance with Bid Procedures Order, Disclosure of
9 Competing Bids, Expedited Discovery and Expedited Hearing shall be heard on
10 December 6, 2006 at 8:30 AM . at the
11 U.S. Bankruptcy Court, 300 Las Vegas Boulevard South, Las Vegas, Nevada, 89101.

12 2. The date for filing any objections to the entry of an order shortening time is
13 December 6, 2006 .

14 3. The date for filing any response to any objection is
15 December 6, 2006 .

16 4. Service of this Order Shortening Time shall be completed by
17 December 4, 2006 .

18 ###
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EXHIBIT B

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11 UNITED STATES BANKRUPTCY COURT

12 DISTRICT OF NEVADA

13 In re:
14 USA COMMERCIAL MORTGAGE COMPANY,
15 Debtor,

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

16 In re:
17 USA CAPITAL REALTY ADVISORS, LLC,
18 Debtor,

Chapter 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

19 In re:
20 USA CAPITAL DIVERSIFIED TRUST DEED FUND,
21 LLC,
22 Debtor,

**MOTION FOR ORDER SHORTENING
TIME FOR HEARING ON EMERGENCY
MOTION OF SPCP GROUP, LLC, TO
COMPEL COMPLIANCE WITH BID
PROCEDURES ORDER, DISCLOSURE OF
COMPETING BIDS, EXPEDITED
DISCOVERY, AND EXPEDITED
HEARING**

22 In re:
23 USA CAPITAL FIRST TRUST DEED FUND, LLC,
24 Debtor,

Hearing Date:
Hearing Time:
Est. Time:

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270880_1.DOC [13577.1]

1 In re:

2 USA SECURITIES, LLC,

3 Debtor.

4 Affects:

5 ☒ All Debtors

6 ☐ USA Commercial Mortgage Company

7 ☐ USA Securities, LLC

8 ☐ USA Capital Realty Advisors, LLC

9 ☐ USA Capital Diversified Trust Deed Fund,
10 LLC

11 ☐ USA Capital First Trust Deed Fund, LLC

12 SPCP GROUP, LLC ("Silver Point"), by and through counsel, James C. McCarroll, Esq. of
13 Reed Smith, LLP, and Amy N. Tirre, Esq. of Kummer Kaempfer Bonner Renshaw & Ferrario,
14 moves for an order shortening time for the hearing on the *Emergency Motion of SPCP GROUP,*
15 *LLC to Compel Compliance with Bid Procedures Order, Disclosure of Competing Bids,*
16 *Expedited Discovery, and Expedited Hearing* ("the Emergency Motion to Compel") based upon
17 the ground that the Auction in this case is scheduled for December 7, 2006, and in order to
18 competitively bid at the Auction, Silver Point requires the information sought in the Motion
19 regarding any other Qualified Bidder, including documentation of the identity of the bidder, its
20 commitment to be bound by the Bid Procedures, an executed version of the Asset Purchase
21 Agreement and satisfactory evidence of the bidder's ability to close the Sale. This Motion is
22 supported by the separately filed Emergency Motion to Compel, the separately filed Attorney
23 Information Sheet and the attached Declaration of James C. McCarroll, Esq.

24 WHEREFORE, Silver Point prays for an order shortening time for the hearing on its
Emergency Motion to Compel at the Court's first available hearing date and time.

1 Dated this 4th day of December, 2006.

2 KUMMER KAEMPFER BONNER
3 RENSHAW & FERRARIO

4
5 By: /s/ Amy N. Tirre
6 AMY N. TIRRE, ESQ.
7 5585 Kietzke Lane
8 Reno, NV 89511

9 and

10 JAMES C. McCARROLL, ESQ.
11 REED SMITH, LLP
12 599 Lexington Avenue
13 New York, New York 10022

14 Attorneys for SPCP Group, LLC
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1 **DECLARATION OF JAMES C. MCCARROLL IN SUPPORT OF MOTION FOR**
2 **ORDER SHORTENING TIME FOR HEARING ON EMERGENCY MOTION TO**
3 **COMPEL**

4 I, JAMES C. MCCARROLL, declare as follows:

5 1. I am an attorney with the law firm of REED SMITH, LLP and admitted to
6 practice law in New York and have been admitted to practice pro hac vice in this case before the
7 United States Bankruptcy Court in and for the District of Nevada.

8 2. REED SMITH represents SPCP Group, LLC ("Silver Point"), which is the
9 Stalking Horse Bidder for the Assets under the Asset Purchase Agreement filed in the above-
10 captioned bankruptcy cases. I provide this affidavit in support of *Emergency Motion of SPCP*
11 *GROUP, LLC to Compel Compliance with Bid Procedures Order, Disclosure of Competing*
12 *Bids, Expedited Discovery, and Expedited Hearing* pursuant to LR 9006(a). I have personal
13 knowledge of the facts and circumstances set forth herein unless otherwise stated upon
14 information and belief.

15 3. I submit that the Court should hear the Emergency Motion to Compel on
16 shortened time because I learned late on Thursday, November 30, 2006 that Debtors' counsel
17 refuses to turn over the documentation pertaining to the Qualified Bidders who submitted
18 deposits in order to bid at the Auction scheduled on December 7, 2006. Silver Point is being
19 denied the opportunity to analyze and review the competing bids in preparation for the Auction
20 on December 7, 2006, which affects its ability to increase its Purchase Price in a competitive yet
21 economically rational manner which may in turn impair the value realized for the Assets by the
22 Debtors' estates and their creditors and interest holders.

23 I declare under penalty of perjury that the foregoing is true and correct. I executed this
24 declaration on December 4, 2006 in New York, New York.

/s/ James C. McCarroll
JAMES C. MCCARROLL